

EXPLANATORY NOTES

CIVIL LITIGATION (EXPENSES AND GROUP PROCEEDINGS) (SCOTLAND) ACT 2018

INTRODUCTION

THE ACT – AN OVERVIEW

COMMENTARY ON SECTIONS

PART 1 – SUCCESS FEE AGREEMENTS

- Section 1 – Success fee agreements
- Section 2 – Enforceability
- Section 3 – Expenses in the event of success
- Section 4 – Power to cap success fees
- Section 5 – Exclusion for certain matters
- Section 6 – Personal injury claims
- Section 7 – Form, content etc.

PART 2: EXPENSES IN CIVIL LITIGATION

- Section 8 – Restriction on pursuers’ liability for expenses in personal injury claims
- Section 9 – Representation free of charge
- Section 10 – Third party funding of civil litigation
- Section 11 – Awards of expenses against legal representatives
- Section 12 – Minor and consequential modifications of the Courts Reform (Scotland) Act 2014
- Section 13 – Meaning of “legal representative”.

PART 3: AUDITORS OF COURT

- Section 14 – Auditors of court
- Section 15 – Temporary Auditor of the Court of Session

These notes relate to the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (asp 10)

Section 16 – Auditors’ functions

Section 17 – Auditors unable to tax account

Section 18 – Guidance

Section 19 – Reports

PART 4: GROUP PROCEEDINGS

Section 20 – Group proceedings

Section 21 – Group procedure: rules

Section 22 – Group proceedings: further provision

PART 5: REVIEW OF OPERATION OF ACT

Section 23 – Review of operation of Act

PART 6: GENERAL PROVISION

Section 24 – Regulations

Section 25 – Ancillary provision

Section 26 – Meaning of “court”

Section 27 – Commencement

Schedule – Auditor of the Court of Session: Modification of Enactments

PARLIAMENTARY HISTORY